Please amend the claims to read as follows:

Listing of Claims

1-39. (Canceled).

40. (Currently Amended) A method for avoiding soft buffer corruption in a Hybrid Automatic Repeat reQuest (HARQ) protocol in a mobile communication system comprising a communication terminal and a plurality of base stations, wherein said communication terminal is in communication with said plurality of base stations during a soft handover, the method comprising:

receiving data from the communication terminal in a soft handover by at least one of the base stations employing one of plural HARQ processes of the HARQ protocol, wherein said communication terminal is in communication with said plurality of base stations during the soft handover,

storing said received data in a soft buffer region of a HARQ soft buffer of said at least one of the base stations, wherein the soft buffer ~~soft-buffer~~ region is associated to the HARQ process employed to receive the data,

decoding by said at least one of the base stations the data stored in said soft buffer ~~soft-buffer~~ region associated to the HARQ process employed to receive the data, and

employing an elapsed time since storing said data in the soft buffer ~~soft-buffer~~ region associated to the HARQ process employed to receive the data to flush by said at least one base

station the <u>soft buffer</u> ~~soft-buffer~~ region associated to the HARQ process employed to receive the data, whereby <u>soft buffer</u> ~~soft-buffer~~ corruption is avoided.

41. (Currently Amended) The method for receiving data according to claim 40, wherein the data is stored in the <u>soft buffer</u> ~~soft-buffer~~ region of the HARQ soft buffer in order to be combined with a retransmitted data, if the received data is not decoded successfully.

42. (Currently Amended) The method for receiving data according to claim 40 or 41, further comprising flushing the soft buffer <u>region, associated to the HARQ process employed to receive the data,</u> based on the elapsed time.

43. (Currently Amended) The method according to claim 42, wherein the at least one base station flushes said <u>soft buffer</u> ~~soft-buffer~~ region associated to the HARQ process employed to receive the data, if [[said]] the received data is decoded successfully.

44. (Currently Amended) The method according to claims 42, wherein the <u>soft buffer</u> ~~soft-buffer~~ region associated to the HARQ process employed to receive the data is flushed, if the elapsed time is equal to or larger than a threshold time period.

45. (Currently Amended) The method according to claims 43, wherein the <u>soft buffer</u> ~~soft-buffer~~ region associated to the HARQ process employed to receive the data is flushed, if the elapsed time is equal to or larger than a threshold time period.

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46. (Previously Presented) The method according to claim 44, wherein the threshold time period is defined as a period after which a retransmission data can no longer be expected in the base station.

47. (Currently Amended) The method according to claim 40, further comprising:

receiving retransmission data from the communication terminal by at least one of the base stations employing said one of the HARQ processes,

storing said received retransmission data in a soft buffer soft-buffer region associated to said one of the HARQ processes,

decoding the data stored in the soft buffer soft-buffer region associated to said one of the HARQ processes, and

restarting timing of the elapsed time.

48. (Currently Amended) The method according to claim 40, further comprising:

receiving retransmission data from the communication terminal by at least of the base stations employing said one of the HARQ processes,

storing said received retransmission data in a soft buffer soft-buffer region associated to said one of the HARQ processes,

decoding the data stored in the soft buffer soft-buffer region associated to said one of the HARQ processes, and

stopping timing of the elapsed time if the decoding is successful.

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49. (Currently Amended) The method according to claim 40, further comprising:

receiving retransmission data from the communication terminal by at least one of the base stations employing said one of the HARQ processes,

combining received retransmission data with the previously received data in said one of [[of]] the HARQ processes to produce a combined data,

restarting timing of the elapsed time, and

decoding the combined data.

50. (Previously Presented) The method according to claim 40, further comprising stopping the timing of the elapsed time if the elapsed time is equal to or larger than a threshold time period.

51. (Previously Presented) The method according to claims 44, wherein said threshold time period is of configurable duration.

52. (Previously Presented) The method according to claims 50, wherein said threshold time period is of configurable duration.

53. (Previously Presented) The method according to claim 51, further comprising signaling the duration of said threshold time period to said at least one of the base stations by radio network control signaling from a control unit in the mobile communication network.

54. (Currently Amended) The method according to claim 53, wherein the duration of said threshold time period is signaled to said at least one of the base stations in an information element of a Node B Application Protocol (NBAP) NBAP message.

55. (Previously Presented) The method according to claim 51, further comprising signaling the duration of said threshold time period to said communication terminal by radio resource control signaling from a control unit in the mobile communication network.

56. (Currently Amended) The method according to claim 55, wherein the duration of said threshold time period is signaled to the communication terminal in an Information Element (IE) IE of at least one of a radio bearer setup message, a radio bearer reconfiguration message, a radio resource control connection setup message, a transport channel reconfiguration message, a cell update message, and a handover command message.

57. (Previously Presented) The method according to claim 40, further comprising transmitting a message from at least one of the base stations to the communication terminal indicating whether said at least one of the base stations decoded said received data successively.

58. (Previously Presented) The method according to claim 40, further comprising forwarding the received data to a control unit of the mobile communication system by one of said at least one of the base stations that did decode the received data successively.

59. (Previously Presented) The method according to claim 40, further comprising receiving a capacity request message from said communication terminal by at least one of the base stations requesting additional transmission capacity for a retransmission data.

60. (Previously Presented) The method according to claim 59, wherein said capacity request message comprises at least one of a transmission priority of data to be transmitted by said communication terminal, a size of data in a transmission buffer of said communication terminal, a duration of said elapsed time, an identification of data, or a channel for which capacity is requested.

61. (Previously Presented) The method according to claim 59 or 60, further comprising transmitting a capacity grant message from said at least one of the base stations to said communication terminal, wherein the capacity grant message indicates a transmission capacity assigned to said communication terminal for data transmission.

62. (Previously Presented) The method according to claim 40, wherein the data is received via a dedicated channel.

63. (Previously Presented) The method according to claim 40, further comprising receiving a restart request message from said communication terminal by at least one of the base

stations, wherein said restart request message indicates data for which the elapsed time has to be restarted.

64. (Previously Presented) The method according to claim 63, wherein said restart request message comprises control information and no payload data or dummy payload data.

65. (Previously Presented) The method according to claim 44, wherein said HARQ protocol is a window-based HARQ protocol, and the method further comprises calculating said threshold time period based on the time required for the transmission of all data within a window of the HARQ protocol.

66. (Previously Presented) The method according to claim 50, wherein said HARQ protocol is a window-based HARQ protocol, and the method further comprises calculating said threshold time period based on the time required for the transmission of all data within a window of the HARQ protocol.

67. (Previously Presented) The method according to claim 44, further comprising calculating said threshold time period based on the time interval between the reception of an initial data and the reception of a retransmission data.

68. (Previously Presented) The method according to claim 50, further comprising calculating said threshold time period based on the time interval between the reception of an initial data and the reception of a retransmission data.

69. (Previously Presented) The method according to claim 44, further comprising calculating the duration of said threshold time period based on the size of said soft buffer, a maximum number of retransmissions in the HARQ protocol, a communication terminal's processing time for a feedback message, a respective base station's processing time for a received data and a transmission time interval.

70. (Previously Presented) The method according to claim 50, further comprising calculating the duration of said threshold time period based on the size of said soft buffer, a maximum number of retransmissions in the HARQ protocol, a communication terminal's processing time for a feedback message, a respective base station's processing time for a received data and a transmission time interval.

Claim 71 (Cancelled).

72. (Currently Amended) A base station for avoiding soft buffer corruption in a Hybrid Automatic Repeat reQuest (HARQ) protocol, wherein the base station is part of a mobile communication system that comprises ~~comprising~~ a communication terminal and a plurality of base stations including said base station, wherein said communication terminal is in

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communication with said plurality of base stations during a soft handover, the base station comprising:

a receiving section that receives data from the communication terminal employing one of plural HARQ processes of the HARQ protocol,

a soft buffer that stores data received employing one of the plural HARQ processes in a soft buffer soft-buffer region associated to the respective HARQ process, and

a decoding section that decodes said data received employing one of the plural HARQ processes and being stored in the associated soft buffer region buffer-region,

wherein the base station employs an elapsed time since storing said received data in the soft buffer soft-buffer region associated to the HARQ process employed to receive the data to flush the soft buffer soft-buffer region associated to the HARQ process employed to receive the data, whereby soft buffer soft-buffer corruption is avoided.

73. (Currently Amended) The base station according to claim 72, wherein the base station is operable to store the received data in the associated soft buffer soft-buffer region in order to be combined with retransmitted data if the received data is not decoded successfully.

74. (Previously Presented) The base station according to claim 72 or 73, wherein the base station is operable to flush the soft buffer if said received data is decoded successfully.

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75. (Currently Amended) The base station according to claim 72, wherein the base station is operable to flush the soft buffer ~~soft-buffer~~ region associated to the HARQ process employed to receive the data if the elapsed time is equal to or larger than a threshold time period.

76. (Previously Presented) The base station according to claim 75, wherein the threshold time period is defined as a period after which a retransmission data can no longer be expected in the base station.

77. (Currently Amended) The base station according to claim 72, wherein the receiving section is operable to receive retransmission data from the communication terminal employing said one of the HARQ processes, the soft buffer is operable to store said received retransmission data in the soft buffer ~~soft-buffer~~ region associated to said one of the HARQ processes, and the decoding section is operable to decode the data stored in the soft buffer ~~soft-buffer~~ region associated to said one of the HARQ processes, and wherein the base station is operable to restart timing of the elapsed time.

78. (Currently Amended) The base station according to claim 72, wherein the receiving section is operable to receive retransmission data from the communication terminal employing said one of the HARQ processes, the soft buffer is operable to store said received retransmission data in the soft buffer ~~soft-buffer~~ region associated to said one of the HARQ processes, and the decoding section is operable to decode the data stored in the soft buffer ~~soft-buffer~~ region

associated to said one of the HARQ processes, wherein the base station is operable to stop timing of the elapsed time if the received transmission data is decoded successfully.

79. (Previously Presented) The base station according to claim 72, wherein the base station is operable to combine a retransmission data with the previously received data to produce a combined data, and the decoding section decodes the combined data.

80. (Previously Presented) The base station according to claim 72, wherein the base station is operable to stop the elapsed time if the elapsed time is equal to or larger than a threshold time period.